INVESTIGATIVE NARRATIVE

COUNTY OF LOS ANGELES
SHERIFF"S DEPARTMENT

HIT SHOOTING EVALUATION

UNIT: Compton Station
DATE: January 9, 2006, Monday
TIME: 0124 hours
LOCATION: [redacted] N. Sloan Avenue, Compton, CA 90220
URN#: 406-00427-2824-152
IAB#: SH 2162446

NATURE OF
INCIDENT: On January 9, 2006, Compton Deputies Patrick Neal and Manuel Martinez were involved in a hit shooting on Elm Street, next to [redacted] N. Sloan Avenue, in the city of Compton.

Deputies Neal and Martinez responded to a prowler call in the 800 block of North Burris Avenue in the city of Compton. Prior to their arrival, the call was updated to reflect the suspect was armed with a handgun.

The suspect was observed a short distance from the location as he was walking eastbound on Elm Street from North Burris Avenue. Deputies were traveling westbound on Elm Street and observed the suspect in the street. Deputies conducted a stop of the suspect who was armed with a handgun. As deputies told the suspect to drop the weapon, he took cover behind a telephone pole. The suspect pointed the weapon at deputies and ran toward them. Both deputies, in fear for their lives, fired at the suspect, striking him multiple times in the legs, arm and lower torso. The suspect was taken into custody without further incident and transported to Saint Francis Medical Center, in the city of Lynwood.

The suspect's weapon was found to be a replica weapon resembling a machine pistol.

Internal Affairs Bureau was notified at 0220 hours and Sergeants Larry Landreth and Rossanna Taylor, along with Lieutenant Stacy Lee, responded to the command post at Long Beach Boulevard and Elm Street, Compton. Upon their arrival, Homicide Bureau personnel were at the scene investigating the incident and the suspect had been transported to St. Francis Medical Center with multiple gunshot wounds.

COMPLETED BY: Sergeant Larry Landreth, Internal Affairs Bureau
DATE: August 22, 2006

On May 25, 2006, Deputy District Attorney Daniel W. Baker issued a Letter of Opinion regarding the deputy involved shooting incident. In his review of the shooting, D.D.A. Baker found that Deputies Patrick Neal and Manuel Martinez' use of deadly force was both reasonable and necessary.

The following summary is based on verbal and written statements from the involved deputies, witnesses' statements and statements from the suspect.

INVOLVED PERSONNEL:

NEAL, Patrick, Deputy Sheriff #[redacted]
Compton Station, Field Operation Region II

EMPLOYEE WORK HISTORY:

Dates of Employment: 07-23-1991 / 04-13-1999*
Date assigned to Patrol/Custody: [redacted]
Completed Patrol/Custody Training:

Prior Shooting Incident(s): (3), 07-08-2003, **SH2093009**, Armed person, 03-19-2004, **SH2114157**, Armed person, fleeing suspect, 05-08-2005, **SH2145843**, Fleeing suspect, moving vehicle, vehicle pursuit. **(Suspension)**
Prior Founded Force Incidents: [redacted]

[redacted]

MARTINEZ, Manuel, Deputy Sheriff #[redacted]
Compton Station, Field Operation Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 04-13-2000
Date assigned to Patrol/Custody: [redacted]
Completed Patrol/Custody Training:

Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents:



SUSPECT(S):



[redacted], MH/16 yrs. DOB: [redacted], [redacted], [redacted]., [redacted]

Booking # [redacted] **C.I.I. #** [redacted] **Main #** [redacted] **FBI #** [redacted]

[redacted]

CIVILIAN WITNESSES:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]

DEPARTMENT WITNESSES:

1. Aguilar Jr., Henry, Deputy Sheriff, #[redacted]
2. [redacted], Deputy Sheriff, #[redacted]

INJURIES:

Suspect

Suspect [redacted] sustained gunshot wounds to the right knee, hip, shin, forearm, and bicep. [redacted] also sustained grazing gunshot wounds to the left shin and breast area.

Deputy Personnel

No deputy personnel were injured in the incident.

WEATHER AND LIGHTING CONDITIONS:

Dark and very foggy causing poor visibility. There were overhead street lights near the scene but their light was obscured by the fog.

WEAPONS USED BY SUSPECT(S):

Suspect [redacted] was armed with a replica firearm **(Refer to Exhibit A, pages 68 - 73).**

WEAPON(S) USED BY DEPUTY PERSONNEL:

DEPUTY PATRICK NEAL
Service Weapon- Berretta, 92F (Serial Number BER[redacted]), Double Action Semiautomatic Pistol, 9mm Luger
Type Of Ammunition- Winchester Brand Ranger "T" 9 mm Luger cartridges.
Ammunition- Thirteen rounds fired and three left in the magazine.
Shell Casings- A total of twenty-one expended casings were located at the scene where Deputies Neal and Martinez reported firing **(refer to Exhibit A, page 77)**.

Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Lab Receipt No. J630176 Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section **(Refer to Exhibit A, page 85)**

DEPUTY MANUEL MARTINEZ
Service Weapon- Berretta, 92F (Serial Number BER[redacted]Z), Double Action Semiautomatic Pistol, 9mm Luger
Type Of Ammunition- Winchester Brand Ranger "T" 9 mm Luger cartridges.
Ammunition- Eight rounds fired and eight left in the magazine.
Shell Casings- A total of twenty-one expended casings were located at the scene where Deputies Neal and Martinez reported firing **(refer to Exhibit A, page77)**.

Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Lab Receipt No. J630176 Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section **(Refer to Exhibit A, page 85)**

INVOLVED DEPUTY(S) STATEMENTS:

Deputy Patrick Neal, #[redacted], was interviewed by Homicide Investigators Jose Romero and George Martinez on Monday, 01-09-06, at approximately 0605 hours. Deputy Patrick Neal was represented by his attorney, Attorney Gregory S. Emerson. The interview took place in the captain's conference room of Compton Station and was recorded for review.

Deputy Neal said he and Deputy Martinez were working patrol unit 281 EM's, at the time of this incident and responded to assist on a call of a "prowler." He indicated as he and Deputy Martinez were responding to the radio call, he and other units were advised and updated that the "prowler" was on the roof of the garage, and moments later were updated that the "prowler" was armed with a gun.

Deputy Neal said as he and Deputy Martinez were responding to the call, he contacted the Compton

Sheriff's dispatch desk via radio, to insure himself and other units if the informant on the call had in fact seen the "prowler" armed with a gun. He explained he made this request, because the night was foggy and he wanted to reassure himself a weapon had been observed. He said the dispatch desk confirmed the informant on the call had seen the "prowler" with a gun. He said he approached the call westbound Elm Street, from Long Beach Boulevard, and was updated via sheriffs radio, that the suspect was now walking westbound on Elm Street.

Deputy Neal said as he and Deputy Martinez approached westbound Elm Street, he noticed a male standing in the middle of the street. He said he and Deputy Martinez immediately turned on their vehicle's spot lights and illuminated the male. As they illuminated the male, he yelled to Deputy Martinez, that the suspect had a gun. He said he stopped the patrol car, exited the vehicle and ordered the suspect to drop the gun. He explained that in his rush, he did not place his vehicle's gear shift in "park" and as he exited the patrol car, the vehicle began to slowly move forward. He said as the car was slowly moving forward, he noticed the suspect, began to run in the direction of a telephone pole on the south sidewalk of Elm Street. He said the suspect, while concealing himself by the telephone pole, began to point the gun in their direction and in the direction of the patrol vehicle positioned to the west of them, along the north curb line (Deputies Aguilar and [redacted]

Deputy Neal said he noticed the suspect holding and pointing what appeared to be a "Tech 9" type machine gun at them. He said he advised the suspect to drop the weapon, while identifying themselves as deputy sheriff's. Deputy Neal said as he was giving the suspect orders to drop the weapon, the suspect suddenly began running in their direction, while pointing the gun at them. Deputy Neal said he placed his vehicle's gearshift into "park" and watched as the suspect got to approximately twenty feet from him and his partner. Deputy Neal said he fired three times, assessed the situation and fired three more times as the suspect continued to advance. He said he noticed the suspect continued to advance toward them and realized the suspect was going to kill them, as he continued to point the gun at him and Deputy Martinez. He said he immediately fired several more times at the suspect as he ran around to the passenger side of their vehicle for cover. Neal said he was not certain as to the number of times he fired his duty weapon, but speculated he fired approximately 10-11 times.

Deputy Neal said the suspect ran to approximately twelve feet from their patrol car and eventually fell to the ground. He said throughout the incident, he could see that the suspect was holding a gun in his right hand and a skateboard in his left hand. He said the suspect was holding the skateboard all the time he was running toward them.

Deputy Neal said he and his partner gave the suspect sufficient time and orders to drop the weapon before firing at him. He said their orders to drop the weapon began when they noticed the suspect standing in the middle of the street, instead the suspect ran and concealed himself by the telephone pole when he and Deputy Martinez illuminated him.

Deputy Neal said he feared the suspect was going to shoot him, because he was positioned behind the driver's door, on the same side of the car, in which the suspect was advancing. He said as the suspect lay on the ground, they continued to order him to produce the gun, at which time the

suspect reached under his body, produced the gun and threw it onto the street. He said once the suspect produced the gun, he didn't point it at them again, but instead threw it away from his body. Once the weapon was discarded, he and Deputy Martinez approached the suspect and requested paramedics.

Deputy Manuel F. Martinez, #[redacted], was interviewed by Homicide Investigators Joe Romero and George Martinez on January 9, 2006, at approximately 0640 hours. Deputy Martinez was represented by his attorney, Attorney Derald J. Brenneman, Counsel for ALADS. The interview took place in the captain's conference room of Compton Station and was recorded for review

Deputy Martinez said he was newly assigned to Compton Station and was working unit 281 with Deputy Neal as his training officer, at the time of this incident. He said they were on routine patrol duty when the call of a man on a. roof was put out over sheriff's radio. He said he and his partner decided to assist on the call, and drove westbound on Elm Street, toward Burris Avenue.

Deputy Martinez said as he and his partner approached Burris Avenue, he observed an individual in the middle of the street. He said they illuminated the male and ordered him to stop, while identifying themselves as deputy sheriffs. He said, although the night was foggy, he could see that the male was holding a gun in his right hand. He said the male positioned himself at the south sidewalk of Elm Street, concealing himself by a telephone pole, ignoring their verbal commands.

Deputy Martinez said he observed the suspect by the telephone pole, holding and pointing the weapon in his hand and looking in the direction of the patrol car to the west of him (Deputies Aguilar and [redacted] as well as in their direction. He said he exited the passengers' door of the patrol car and positioned himself behind the cover of the door, all the while telling the suspect to drop the weapon. He said things happened so suddenly his partner neglected to put the vehicle in "park," and the car began to slowly move forward.

Deputy Martinez told Investigators he felt sure he had taken adequate cover by the patrol car and felt that as long as the suspect remained by the pole, the threat was not immediate and he did not feel in danger at that time. However, once the suspect vacated his position by the telephone pole and began to run toward them pointing the weapon at them, he fired two rounds from a kneeling position. He said once the suspect approached them from the telephone pole, he feared for his life and the life of Deputy Neal. He said as the suspect continued to advance in their direction, he fired again and noticed the suspect fall to the ground. Once on the ground, he asked the suspect if he still had the weapon, at which time he heard the suspect acknowledge that he did. He said he ordered the suspect to discard the gun, at which time he threw the weapon away from his body.

Deputy Martinez said prior to advancing on the downed suspect, he asked him if he had any additional weapons, at which time the suspect replied he did not. He indicated he and Deputy Neal tactically advanced toward the suspect and noticed the suspect had been shot multiple times. He said he attempted to handcuff the suspect, but realized his arm had been injured. He said he noticed

the weapon on the ground, and heard a fellow deputy say that the gun was not a real gun. Until that moment, he had not been aware the weapon was a toy gun.

Deputy Martinez said at no time during the incident did he believe the weapon was a toy gun, or notice anything on the gun to indicate to him it was a toy gun. He tried to rationalize why the suspect would run in their direction, pointing a toy gun at them. He said he tried to comfort the suspect, as they waited for paramedics to arrive. He said the suspect was repeatedly told and ordered to drop the gun, orders which he disregarded and resulted in him being shot.

Deputy Martinez said their vehicle lights were on at the time of their approach, and although the night was foggy, he could clearly see the suspect was a male adult and holding a gun. He said he was uncertain as to exact age or anything else, because he was "fixated on the pistol" the suspect was holding. He said he was not certain how many times he fired at the approaching suspect. He speculated he fired 6-8 gunshots.

SUSPECT STATEMENTS:

Subject [redacted] was interviewed by Homicide Investigators Jose Romero and George Martinez on Tuesday, 01-10-06, at approximately 1000 hours. The interview took place in the Intensive Care Unit at Saint Francis Medical Center. Suspect [redacted] was in the company of his [redacted] and [redacted], at the time of this interview. The interview with Suspect [redacted] was recorded.

[redacted] said prior to getting shot by the deputies, he had been at his [redacted]'s house. He said he left his [redacted]'s house at approximately 0130 hours, on January 9, 2006. [redacted] said his [redacted]'s name was [redacted], but was unable to provide any additional information, so as to confirm his story. [redacted] denied involvement in any criminal activity when he was shot by the deputies.

[redacted] said as he was walking home, he noticed a vehicle slowly approaching in his direction. He said he recognized the vehicle's lights and knew they were deputies. He said he noticed there was a vehicle approaching him from behind as well as from the front, and admitted to running toward the telephone pole on the south side of Elm Street, as one of the vehicles turned onto Elm Street, from Burns Avenue. He accused deputies of knowing he had a toy gun and said the deputies did not warn him, prior to shooting him. He said as deputies told him to drop the gun, he advised them the gun was a fake.

[redacted] said he knew the vehicles approaching him were deputies' because of the vehicle lights, admitted running to get away from the approaching cars, but said deputies had planned on hurting and shooting him. He reluctantly admitted he initially believed the vehicles approaching his direction were possibly "gangsters" wanting to hurt him, admitted that he did not drop the gun when he was told to,

because he believed the gangsters were going to hurt him and wanted to scare them. He believed the deputies were someone else. He told Investigators Romero and Martinez, "I know it's my fault."

[redacted] admitted he had been at a friend's back yard, and admitted being on the roof of the garage, although he could not explain why. He said when he climbed down from the roof, he walked out of the yard onto Elm Street, and that is when he noticed the car approaching, as he walked. He admitted having the toy gun, described it as black on one side, and the gun having some paint on the other side. He said a friend of his had given him the toy gun and only identified his friend as a "black guy."

[redacted] admitted running and hiding by the telephone pole, because he believed they were going to hurt him, as well as admitting to carrying the toy gun for protection.

IAB Note: For details of Suspect [redacted] interviews with Homicide Bureau investigators refer to Exhibit A, pages 55 and 56.

DEPARTMENT WITNESS STATEMENTS:

Deputy Henry Aguilar Jr., #[redacted], was interviewed on January 9, 2006, at 0520 hours, by Homicide Investigators Joe Romero and George Martinez. Internal Affairs Investigator Sergeant Larry Landreth was also present. The interview took place in the captain's conference room at Compton Station. The interview was recorded.

Deputy Aguilar said he and his partner, Deputy [redacted], were working patrol unit 283 EM's in their marked patrol vehicle when they received a radio call of a "921-prowler." He said as they responded to the location, the radio call was updated to indicate the prowler was armed with a weapon. Deputy Aguilar and his partner responded north of the location, on Burris Avenue, along with another patrol unit, prior to approaching the residence.

Deputy Aguilar said as they slowly drove southbound on Burris Avenue, toward the location of the call, patrol units were advised the "prowler" had left the location and was walking southbound Burris Avenue. He and his partner drove past the location of the call, while looking for the prowler in the immediate area. He said he and his partner reached the intersection of Burris Avenue and Elm Street, looked in an east/west direction and observed a male walking along the south curb line of Elm Street.

Deputy Aguilar said once they observed the male walking eastbound on Elm Street, east of Burris Avenue, his partner illuminated the male with his patrol vehicle's spotlight. He said about the same time, he noticed another patrol vehicle (Deputy Neal and Martinez) to the east of their position and traveling westbound on Elm Street. He said Deputy Neal and Martinez, also illuminated the individual with their vehicle's spotlights and he heard them giving the male some verbal orders.

Deputy Aguilar said he also noticed Deputy Neal had maneuvered the patrol vehicle in a southwesterly position toward the suspect. Due to the nature of the call and noticing the positioning of the patrol vehicles facing each other, as well as recognizing the danger of a possible "crossfire" situation, he decided to position his patrol car along the north curb line of Elm Street, as they slowly approached the male suspect.

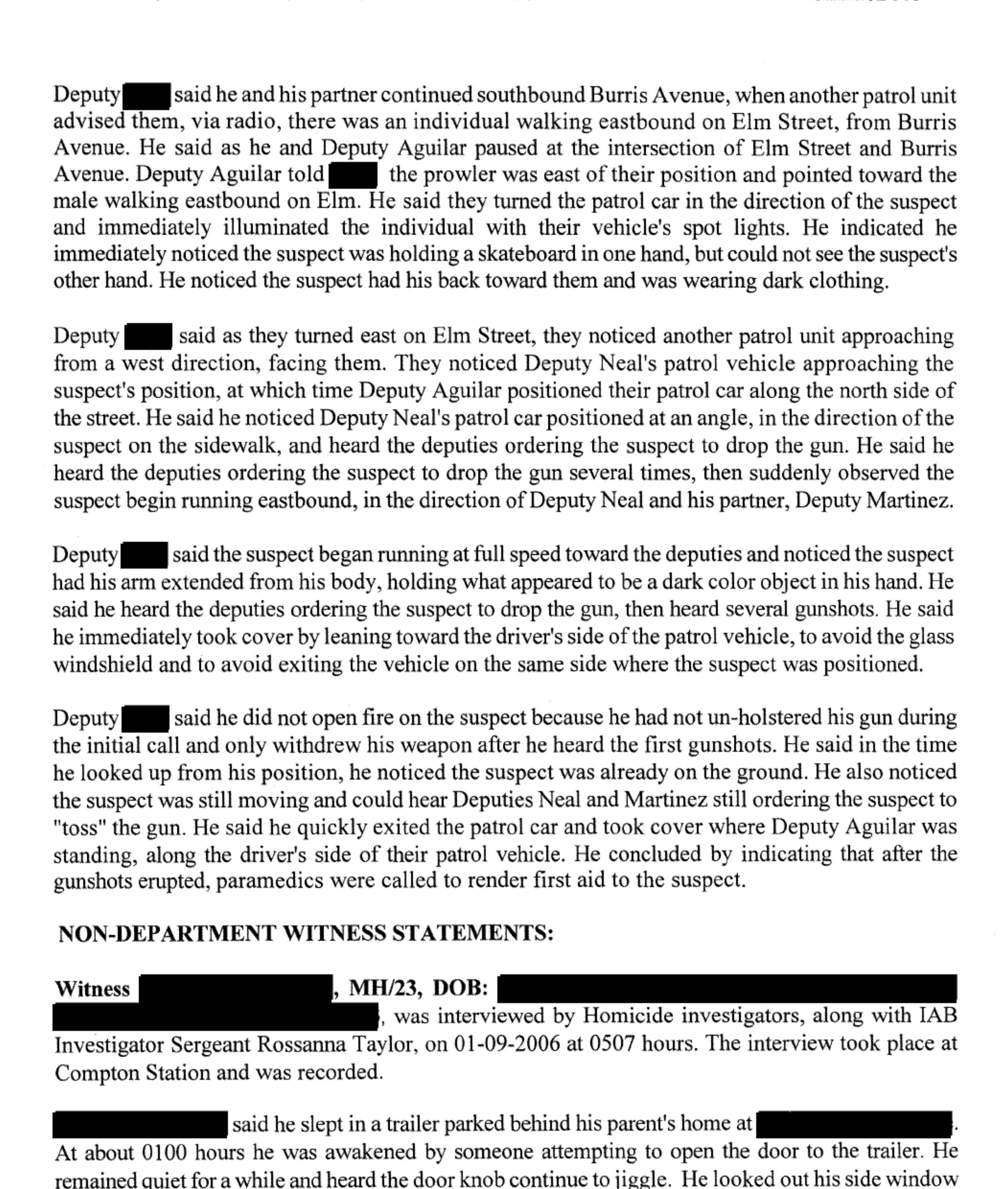
Deputy Aguilar said he noticed the male was holding a skateboard in his left hand and holding what appeared to be a large handgun or semiautomatic weapon, similar to a small "Tech-9" type weapon in his right hand. He said he noticed the suspect concealing himself by the telephone pole, looking back in their direction and in the direction of Deputies Neal and Martinez. He said in the time he and his partner were making their approach toward the suspect, he noticed both Deputy Neal and Martinez were already engaging the suspect in verbal commands. Aguilar said he noticed the suspect immediately begin to run in the direction of Deputies Neal and Martinez, while holding the handgun and heard both deputies yelling for the suspect to drop the gun several times. He indicated that although he feared for the lives of Deputies Neal and Martinez as the suspect ran in their direction, he and his partner did not fire due to the potential "cross fire" situation. He said he heard numerous gunshots, used his patrol vehicle for cover, but immediately looked up and noticed the suspect had been shot and was down at the location. He said he immediately advised other units of the incident via sheriffs radio and requested paramedics for the suspect.

Deputy Aguilar said as he and his partner arrived north of the initial call on Burris Avenue, he slowly proceeded south toward the location with his vehicle's lights out, because there was another patrol unit approaching in their direction, south of Elm Street, and did not want to blind each other with their vehicle lights. He said as they approached the residence on the call of the "prowler," he, briefly spoke with [redacted] and [redacted], the informants on the call at the location. Aguilar said he noticed both individuals were on the telephone speaking to someone, at the same time advising he and his partner that the suspect was walking south, in the direction of Elm Street.

Deputy [redacted], was interviewed on January 9, 2006, at 0520 hours, by Homicide Investigators Joe Romero and George Martinez. Internal Affairs Investigator Sergeant Larry Landreth was also present. The interview took place in the captain's conference room at Compton Station. The interview was recorded.

Deputy [redacted] said he and Deputy Aguilar were working together and responded to a call of a prowler. He said several units responded to the call and arrived on Burris Avenue, north of the location. [redacted] said as they responded to the radio call, the radio dispatcher was updating units and advising them the "prowler" had climbed down from the roof of the garage at the location and was now walking southbound Burris Avenue, holding a gun and a skateboard.

Deputy [redacted] said he and Deputy Aguilar, proceeded south on Burris Avenue, toward the location of the call and while looking for the prowler, noticed two male Hispanics standing at a residence. He said one of the individuals was holding a cell phone, but both individuals were pointing as if indicating the prowler was walking southbound on Burris Avenue, toward Elm Street.



Deputy [redacted] said he and his partner continued southbound Burris Avenue, when another patrol unit advised them, via radio, there was an individual walking eastbound on Elm Street, from Burris Avenue. He said as he and Deputy Aguilar paused at the intersection of Elm Street and Burris Avenue. Deputy Aguilar told [redacted] the prowler was east of their position and pointed toward the male walking eastbound on Elm. He said they turned the patrol car in the direction of the suspect and immediately illuminated the individual with their vehicle's spot lights. He indicated he immediately noticed the suspect was holding a skateboard in one hand, but could not see the suspect's other hand. He noticed the suspect had his back toward them and was wearing dark clothing.

Deputy [redacted] said as they turned east on Elm Street, they noticed another patrol unit approaching from a west direction, facing them. They noticed Deputy Neal's patrol vehicle approaching the suspect's position, at which time Deputy Aguilar positioned their patrol car along the north side of the street. He said he noticed Deputy Neal's patrol car positioned at an angle, in the direction of the suspect on the sidewalk, and heard the deputies ordering the suspect to drop the gun. He said he heard the deputies ordering the suspect to drop the gun several times, then suddenly observed the suspect begin running eastbound, in the direction of Deputy Neal and his partner, Deputy Martinez.

Deputy [redacted] said the suspect began running at full speed toward the deputies and noticed the suspect had his arm extended from his body, holding what appeared to be a dark color object in his hand. He said he heard the deputies ordering the suspect to drop the gun, then heard several gunshots. He said he immediately took cover by leaning toward the driver's side of the patrol vehicle, to avoid the glass windshield and to avoid exiting the vehicle on the same side where the suspect was positioned.

Deputy [redacted] said he did not open fire on the suspect because he had not un-holstered his gun during the initial call and only withdrew his weapon after he heard the first gunshots. He said in the time he looked up from his position, he noticed the suspect was already on the ground. He also noticed the suspect was still moving and could hear Deputies Neal and Martinez still ordering the suspect to "toss" the gun. He said he quickly exited the patrol car and took cover where Deputy Aguilar was standing, along the driver's side of their patrol vehicle. He concluded by indicating that after the gunshots erupted, paramedics were called to render first aid to the suspect.

NON-DEPARTMENT WITNESS STATEMENTS:

Witness [redacted], MH/23, DOB: [redacted], was interviewed by Homicide investigators, along with IAB Investigator Sergeant Rossanna Taylor, on 01-09-2006 at 0507 hours. The interview took place at Compton Station and was recorded.

[redacted] said he slept in a trailer parked behind his parent's home at [redacted]. At about 0100 hours he was awakened by someone attempting to open the door to the trailer. He remained quiet for a while and heard the door knob continue to jiggle. He looked out his side window and saw someone walking in the back yard. Because it was dark, he couldn't tell who the person in

the back yard was. He telephoned his parent's house to ascertain if one of his family members was the person in the rear yard.

[redacted] spoke to his [redacted], and asked him if he had been walking in thier parent's back yard. When [redacted] told him no, he told his brother he had seen someone and the person tried to open the trailer door. They went outside to look for the person. When they couldn't find anyone, they decided to look on top of the detached garage. From the rear of the garage [redacted] stood back with the flashlight and shined it on top of the garage roof while his brother stepped on a workout bench to look atop the roof. His brother pulled himself up from the roof eve and peeked atop the roof. [redacted] quickly came down and told him he saw someone lying on the roof. [redacted] told [redacted] the male was shaking and had a gun. [redacted] told [redacted] they should go into the house.

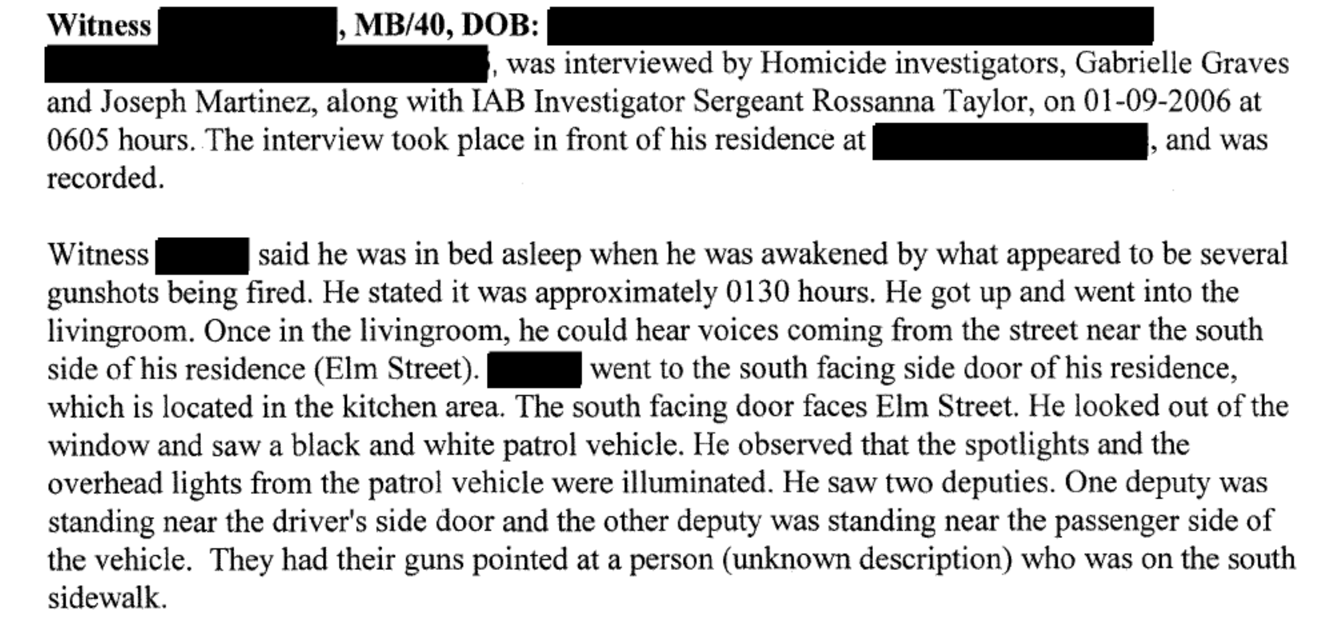
They ran into the house and [redacted] dialed 9-1-1. While his brother was speaking with the 9-1-1 dispatcher, [redacted] saw the man walk to the front gate from the driveway. The suspect opened the gate, walked out of the driveway, closed the gate and casually walked away. When his brother informed him the man was walking out the gate, [redacted] looked out the window to see if he could recognize him. He saw the side view of the man and he could see the man was carrying a skateboard in the hand he could see. [redacted] told [redacted] the man had a gun in the other hand.

[redacted] saw the man walk south on Burris Avenue from his home. He and his brother walked out the front door to keep looking at the man. Just as the deputies were arriving, his brother saw the man turn east on Elm Street. As two units approached south on Burris Avenue, they flagged them down and told them which way the man had turned. The units continued south. They remained at their front gate. Within moments there was the sound of multiple gunshots. He and his brother ran back into the house. He didn't hear anyone say anything prior to the shooting. He didn't believe he could have heard any commands because they were [redacted] north of the corner.

Witness [redacted], MH/21, DOB: [redacted], was interviewed by Homicide Investigators, Gabrielle Graves and Joseph Martinez, along with IAB Investigator Sergeant Rossanna Taylor, on 01-09-2006, at 0515 hours. The interview took place at Compton Station and was recorded.

Witness [redacted] gave the same account as his brother, [redacted], except he said he gave his brother the flashlight to shine the light atop the roof while he peeked on top of the roof. [redacted] used a bench press bench to step up and pull himself up from the ledge of the roof. As he peeked onto the roof, he saw a guy lying supine on the roof about ten feet away from him. The suspect's feet were pointed toward him which would have been toward the rear of the garage. The guy he saw appeared nervous because he was shaking. He saw the suspect had what appeared to be a gun in his right hand. The suspect raised his head and look toward him. He promptly ducked down. The suspect didn't say anything to him nor did he say anything to the suspect.

[redacted] told his brother to get into the house. Once inside the house [redacted] dialed 9-1-1. He advised the 9-1-1 operator the suspect had something that appeared to be a gun. As he was looking out the window of his house and saw the suspect walk by with a skateboard in his left hand and a gun in his right hand. When the suspect left the yard he went in a southeasterly direction and crossed the street. As the suspect left his view, he went outside to the front of his house. He saw the suspect turn east on Elm Street. Just then, a patrol car approached southbound. He directed the deputies to where he last saw the suspect. Within moments, he heard gunshots and ran back inside his house. All along, he spoke with the 9-1-1 operator and provided a description of the suspect, his route of travel and the fact he was armed with what appeared to be a gun.



Witness [redacted], MB/40, DOB: [redacted], was interviewed by Homicide investigators, Gabrielle Graves and Joseph Martinez, along with IAB Investigator Sergeant Rossanna Taylor, on 01-09-2006 at 0605 hours. The interview took place in front of his residence at [redacted], and was recorded.

Witness [redacted] said he was in bed asleep when he was awakened by what appeared to be several gunshots being fired. He stated it was approximately 0130 hours. He got up and went into the livingroom. Once in the livingroom, he could hear voices coming from the street near the south side of his residence (Elm Street). [redacted] went to the south facing side door of his residence, which is located in the kitchen area. The south facing door faces Elm Street. He looked out of the window and saw a black and white patrol vehicle. He observed that the spotlights and the overhead lights from the patrol vehicle were illuminated. He saw two deputies. One deputy was standing near the driver's side door and the other deputy was standing near the passenger side of the vehicle. They had their guns pointed at a person (unknown description) who was on the south sidewalk.

The deputies continually repeated the same command to the person, "put your gun down." [redacted] said he heard the deputies repeat that command approximately four to five times. [redacted] said he did not have a clear view of the suspect from the window he was looking through. He stated the suspect was on the ground and still holding the weapon. He did see the deputies approach the suspect and saw one of the deputies kick the gun away from the suspect.

IAB Note: Deputy Neal kicked the suspect's weapon away when he approached the suspect to take him into custody.

He saw other patrol vehicles and deputies arrive on scene. He also saw the paramedics arrive and he subsequently saw the suspect being put into an ambulance. [redacted] believed the suspect may have been saying something in Spanish, however, he does not speak Spanish and could not understand what the suspect was saying.

Witness [redacted]**, MH/25, DOB:** [redacted] was interviewed by Homicide Investigators, Gabrielle Graves and Joseph Martinez, along with IAB Investigator Sergeant Larry Landreth, on 01-09-2006 at 0610 hours. The interview took place at Mr. [redacted]'s home, [redacted], and was recorded

[redacted] said he parked his black Chevrolet Suburban at the curb in front of his home. He had mounted a surveillance camera on the southeast corner of his garage roof. The camera was pointed in a southeasterly direction so that it could surveil his vehicle and the front area of his home. The monitor for his camera was in his bedroom and the speaker was on (There was no recording devices attached to the monitor).

About an hour before the shooting happened he was up with his infant daughter when his attention was drawn to the monitor upon hearing a female and a male speaking. He saw a female Hispanic in a plaid shirt look into his vehicle from the right side windows. The suspect , later identified as Suspect [redacted] looked into [redacted]'s vehicle through the left windows. He saw the female walk away east on Elm Street and turn north onto Sloan Avenue. The suspect walked away westbound on Elm Street and out of view.

[redacted] put on some ear plugs and went to bed. He said he used the ear plugs so his daughter doesn't awake him during his wife's shift with the infant. He was falling asleep when he heard multiple gunshots. Because he couldn't see anything but the tail lights of the patrol car on his monitor, he went to his mother-in-law's front bedroom and looked out the window. He could hear the deputies yelling, "Drop the gun" numerous times. No shots were fired after the commands.

Afterward the shooting stopped, [redacted] stepped outside his home and saw the guy who had been shot was the same male he saw peering in his vehicle an hour earlier.

IAB Note: The entire neighborhood was canvassed by members of the Homicide Bureau, Internal Affairs Bureau and District Attorney's Office for witnesses. During the canvass, seventeen people were contacted, identified and interviewed as potential witnesses. The above four persons actually saw or had crucial information to the case. Refer to Exhibit A, pages 35 through 46 for additional details.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	Detective Jose L. Romero and Detective George Martinez, Homicide Bureau
Court:	Compton Superior Court
Charges Filed	2 counts of 69 PC, 2 counts of 417.4 PC and one count of 148,9(a) PC

Court Date 06-21-2006
Plea/Conviction: Petition Sustained for 69 PC, Probation
PROPERTY DAMAGE:

Nine bullet strikes to the lower white raised planter wall to the west of [redacted]
Three bullet strikes were located on the north facing wood siding of [redacted]
One bullet strike to a stucco wall above the garage at [redacted].